

CAUSE NO. 2013-31012

TRANX

Chan, Ella Y T C (Executrix of the Estate

§

IN THE DISTRICT COURT OF

§

Of Chiu Moon Chan Deceased)

§

Vs.

§

HARRIS COUNTY, TEXAS

§

Chu, Ping Sun (M D)

§

§

151ST JUDICIAL DISTRICT

§

ORDER OF RECUSAL AND TRANSFER

It is ORDERED that I recuse myself and refer this case to the Administrative Judge of the Civil Trial Division for transfer to another court.

Signed on AUG 26 2013, 2013.

Judge Presiding, 151st District Court

ORDER

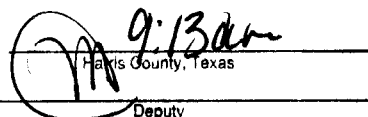
It is ORDERED that the District Clerk of Harris County transfer the above-styled and numbered cause from the 151st District Court to the 333d District Court.

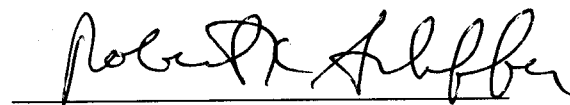
Signed on AUG 26 2013, 2013.**FILED**Chris Daniel
District Clerk

AUG 26 2013

Time:

By


 Deputy


Robert Schaffer
Administrative Judge, Civil Division

RECORDED'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

EXHIBIT**5-a**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 57079690 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

P2
ContX
CASO
StipX

CAUSE NO. 2013-31012

ELLA Y.T.C. CHAN, Executrix of the
Estate of CHIU MOON CHAN,
Deceased,
Plaintiff/Counter-Defendant

vs.

PING SUN CHU, M.D.,
*Defendant/Counter-Plaintiff/
Third Party Plaintiff*

vs.

ELLA Y.T.C. CHAN, Individually,
ERIC K. CHAN, and DYNACQ
HEALTHCARE, INC.,
Third Party Defendants

IN THE DISTRICT COURT OF


HARRIS COUNTY, T E X A S

333RD JUDICIAL DISTRICT


ORDER

On this day came to be heard Intervenor's' Emergency Motion for Continuance of Summary Judgment Hearing. The Court having considered the Motion and any Response thereto and arguments of counsel, is of the opinion that the Motion is meritorious and should be in all things GRANTED.

IT IS THEREFORE ORDERED that Intervenor's' Motion for Continuance of Summary Judgment Hearing is GRANTED.

IT IS FURTHER ORDERED that this matter has been rescheduled for oral hearing on December 5, 2014. 

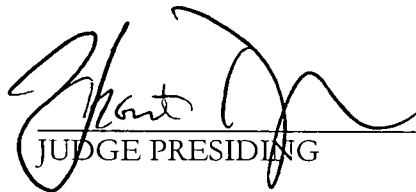
IT IS FURTHER ORDERED that Intervenor's' may file their response 7 days prior to the above-referenced hearing date without penalty.

 Or such earlier date as the parties and Court may agree.

FILED
Chris Daniel
District Clerk

NOV 13 2014

SIGNED this 13th day of Nov., 2014.



JUDGE PRESIDING

Approved and Entry requested:

BY: /s/ Ronald C. Campana

RONALD C. CAMPANA
SBN: 03692600
6363 Woodway, Suite 725
Houston, Texas 77057-1714
Tel. (713) 783-4120
Fax: (713) 783-8812

**ATTORNEYS FOR INTERVENORS:
ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN**

ERIC WILLIAM CARTER
SBN: 24057797
THE CARTER LAW FIRM
1811 Southmore Blvd
Houston, Texas 77004
Tel: (713) 227-0042
Fax: (713) 227-7001

**ATTORNEYS FOR INTERVENORS:
ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN
AND NORA BUMPUS**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 63167974 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

4/1/2014 9:19:21 AM
 Chris Daniel - District Clerk
 Harris County
 Envelope No: 866048
 By: LYNCH, BERNADETTE T

CAUSE NO. 2013-31012

ELLA Y.T.C. CHAN, Executrix of the
 Estate of CHIU MOON CHAN,
 Deceased,
Plaintiff/Counter-Defendant

vs.

PING SUN CHU, M.D.,
*Defendant/Counter-Plaintiff/
 Third Party Plaintiff*

vs.

ELLA Y.T.C. CHAN, Individually,
 ERIC K. CHAN, and DYNACQ
 HEALTHCARE, INC.,
Third Party Defendants

IN THE DISTRICT COURT OF

HARRIS COUNTY, T E X A S

333RD JUDICIAL DISTRICTORDER

ON THIS DAY CAME ON TO BE HEARD an *Unopposed TRCP 106(b) Motion for Substitute Service of Process* of Defendant/Counter-Plaintiff/Third Party Plaintiff. PING SUN CHU, M D , and Intervenors, JAMES G GERACE. JOHN C MEADORS, JOHN P (PAUL) THOMPSON, BING LUN CHU, BING WOON CHU. KATHERINE KIM CHU, SARA KIM CHU. BICK FUN WONG and TIN CHEE WONG. After hearing the arguments of counsel, reviewing the record, the law and the moving papers, the Court is of the opinion that the motion is meritorious. Accordingly, it is

ORDERED, ADJUDGED, and DECREED that Defendant/Counter-Plaintiff/Third Party Plaintiff, Ping Sun Chu, M D `s and Intervenors' Unopposed TRCP 106(b) Motion for Substitute Service of Process is in all things GRANTED. It is further

EXHIBIT
5-c

RECORDER'S MEMORANDUM
 This instrument is of poor quality
 at the time of imaging

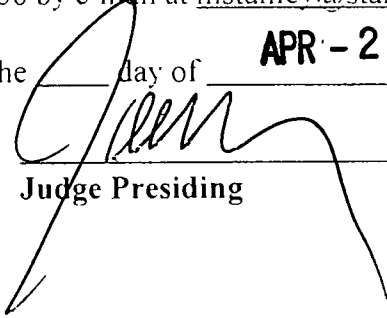
ORDERED, ADJUDGED, and DECREED that service of process for ELLA Y T.C
CHAN, INDIVIDUALLY, of the two (2) following documents:

1. Defendant/Counter-Plaintiff/Third Party Plaintiff, PING SUN CHU.
M.D.'s Original Third Party Petition; and
2. Original Petition in Intervention of JAMES G GERACE, JOHN C.
MEADORS, JOHN P (PAUL) THOMPSON, BING LUN CHU, BING
WOON CHU, KATHERINE KIM CHU, SARA KIM CHU, BICK
FUN WONG and TIN CHEE WONG. on ELLA Y.T.C. CHAN.
INDIVIDUALLY,

is effective if served upon attorney, Michael J Stanley at Stanley, Frank & Rose, LLP, 7026

Old Katy Road, Suite 259, Houston, Texas 77056 by e-mail at mstanley@stanleyrose.com

Signed in Harris County, Texas on this the APR - 2 2014 day of 2014


Judge Presiding

Approved as to form

THOMAS J. LEIBOWITZ,
ATTORNEY AT LAW

One Sugar Creek Center Blvd , Suite 880

Sugar Land, Texas 77478

Tel. (281) 565-6363

Fax (281) 565-6465

By: 

Thomas J. Leibowitz
State Bar No. 12179925

*Counsel for Defendant/Counter-Plaintiff/
Third Party Plaintiff, PING SUN CHU, M D
and Intervenors, JAMES G GERACE,
JOHN C MEADORS, JOHN P. (PAUL)
THOMPSON, BING LUN CHU, BING
WOON CHU, KATHERINE KIM CHU,
SARA KIM CHU, BICK FUN WONG,
and TIN CHEE WONG*



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 60296757 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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5

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

ORDER RESETTING TRIAL

This case is reset for TRIAL for the two week period beginning 10-13-2014.

If the case has not been reached by the second Friday after this date, the trial will be reset. All previous pre-trial deadlines remain in effect, unless changed by the court.

If you have any questions regarding this notice, please contact the court coordinator, VICKI GARCIA at (713) 368-6484.

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 08/19/2015

ERIC WILLIAM CARTER
1811 SOUTHMORE BLVD
HOUSTON, TX 77004

24057797

EXHIBIT
5-d

JCVF17
rev 12311999

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 08/19/2015

RONALD C. CAMPANA
6363 WOODWAY #725
HOUSTON, TX 77057

03692600

JCVF17
rev.12311999

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 08/19/2015

BRIAN JAMES TAGTMEIER
9002 CHIMNEY ROCK
HOUSTON, TX 77096

785078

JCVF17
rev 12311999

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 08/19/2015

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
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IN THE DISTRICT COURT OF
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333rd JUDICIAL DISTRICT

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 08/19/2015

MICHAEL J. STANLEY
7026 OLD KATY RD, SUITE 259
HOUSTON, TX 77024

19046600

JCVF17
rev 12311999



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 62075922 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

9/2/2014 5:04:01 PM
 Chris Daniel - District Clerk
 Harris County
 Envelope No: 2353494
 By: LYNCH, BERNADETTE T

CAUSE NO. 2013-31012

ELLA Y.T.C. CHAN, Executrix of the
 Estate of CHIU MOON CHAN,
 Deceased,
Plaintiff/Counter-Defendant

vs.

PING SUN CHU, M.D.,
*Defendant/Counter-Plaintiff/
 Third Party Plaintiff*

vs.

ELLA Y.T.C. CHAN, Individually,
 ERIC K. CHAN, and DYNACQ
 HEALTHCARE, INC.,
Third Party Defendants

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

333RD JUDICIAL DISTRICTORDER

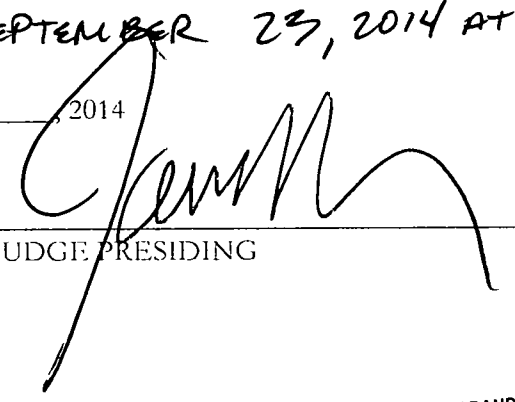
ON THIS DAY came to be heard Third-Party Defendants' Motion to Quash the Deposition of Ella Y.T.C. Chan, Individually and as Executrix of the Estate of Chiu Moon Chan. The Court having considered the Third-Party Defendants' Motion and any Response thereto and arguments of counsel, is of the opinion that the Motion is should be in all things DENIED.

IT IS THEREFORE ORDERED Third-Party Defendants' Motion to Quash the Deposition of Ella Y.T.C. Chan, Individually and as Executrix of the Estate of Chiu Moon Chan is DENIED.

IT IS FURTHER ORDERED that Ella Y.T.C. Chan shall be produced for deposition to testify in an individual capacity as well as Executrix of the Estate of Chiu Moon Chan ~~within TEN~~

~~DAYS of the signing of this order.~~ ON SEPTEMBER 23, 2014 AT 10:00 AM.

SIGNED this 5th day of Sept, 2014


 JUDGE PRESIDING

FILED
 Chris Daniel
 District Clerk

SEP 05 2014
 Harris County, Texas

Time:

By:

Deputy

RECORDER'S MEMORANDUM
 This instrument is of poor quality
 at the time of imaging

EXHIBIT
5-e

Approved and Entry requested.

BY: /s/ Ronald C. Campana

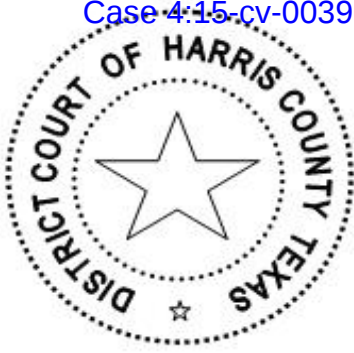
RONALD C. CAMPANA
SBN: 03692600
6363 Woodway, Suite 725
Houston, Texas 77057-1714
Tel: (713) 783-4120
Fax (713) 783-8812

**ATTORNEYS FOR INTERVENORS:
ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN**

-AND-

ERIC WILLIAM CARTER
SBN: 24057797
THE CARTER LAW FIRM
1811 Southmore Blvd
Houston, Texas 77004
Tel (713) 227-0042
Fax (713) 227-7001

**ATTORNEYS FOR INTERVENORS:
ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN
AND NORA BUMPUS**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 62241546 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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5
TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

- ☒ **Pursuant to Rule 166** of the Texas Rule of Civil Procedure, before the Pretrial Conference scheduled for this case, the items that are checked below **must be furnished to opposing counsel in advance** with enough time to allow review for objections, and **brought with you** to the Pretrial Conference.
- ☒ **Pursuant to Rule 166** of the Texas Rules of Civil Procedure, the items that are checked below must be **FILE W/CLERK** by **10-06-2014**.
- ☒ **Pursuant to Rule 166** of the Texas Rules of Civil Procedure, the items that are checked must be completed and ready for discussion with the court at the Pretrial Conference.
- * * * * *
- ☒ **Party/Attorney List.** Names, addresses, and phone numbers of each pro se party and attorney.
- ☒ **Trial Witnesses List.** The name, address and telephone number of any person expected to testify at trial, and a brief statement of each identified person's connection with the case.
- ☒ **Draft Jury Charge** (if a jury fee has been paid) or Findings of Fact and Conclusions of Law. Modifications may be submitted as the trial progresses.
- ☒ **Exhibits.** An exhibit list is required. All exhibits must be pre-marked with inadmissible matters redacted(e.g. insurance). Objections to authenticity must be made pursuant to Rule 193.7.
- ☒ **Deposition Excerpts or Edited Videotapes.** Designate page and line in sequence to be used at trial.
- ☒ **Motions in Limine.**
- ☒ **Trial Scheduling.** Estimated trial length, and potential attorney or witness conflicts or travel difficulties.
- ☒ **Other.**
 DOCKET BEGINS 10/13/2014; WILL BE CALLED FOR PTC; MARK ALL
 EXHIBITS BEFORE APPEARACE AT PTC; BRING ON CD/FLASH DRIVE
 OR THUMB DRIVE ONLY. THE CHARGE QUESTIONS AND DEFINITIONS
 FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 09/15/2014

ERIC WILLIAM CARTER
1811 SOUTHMORE BLVD
HOUSTON, TX 77004

24057797

EXHIBIT
5-f

JCV001
rev 032802

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

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FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 09/15/2014

RONALD C. CAMPANA
6363 WOODWAY #725
HOUSTON, TX 77057

03692600

TRPOX

Cause No. 201331012

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vs.
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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

_____**TRIAL PREPARATION ORDER**

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EXHIBITS BEFORE APPEARANCE AT PTC; BRING ON CD/FLASH DRIVE
OR THUMB DRIVE ONLY. THE CHARGE QUESTIONS AND DEFINITIONS
FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 09/15/2014

BRIAN JAMES TAGTMEIER
9002 CHIMNEY ROCK
HOUSTON, TX 77096

785078

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

_____**TRIAL PREPARATION ORDER**

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OR THUMB DRIVE ONLY. THE CHARGE QUESTIONS AND DEFINITIONS
FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 09/15/2014

THOMAS JOSEPH LEIBOWITZ
ONE SUGAR CREEK CENTER BLVD SUITE 880
SUGAR LAND, TX 77478

12179925

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

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- ☒ **Trial Witnesses List.** The name, address and telephone number of any person expected to testify at trial, and a brief statement of each identified person's connection with the case.
- ☒ **Draft Jury Charge** (if a jury fee has been paid) or Findings of Fact and Conclusions of Law. Modifications may be submitted as the trial progresses.
- ☒ **Exhibits.** An exhibit list is required. All exhibits must be pre-marked with inadmissible matters redacted(e.g. insurance). Objections to authenticity must be made pursuant to Rule 193.7.
- ☒ **Deposition Excerpts or Edited Videotapes.** Designate page and line in sequence to be used at trial.
- ☒ **Motions in Limine.**
- ☒ **Trial Scheduling.** Estimated trial length, and potential attorney or witness conflicts or travel difficulties.
- ☒ **Other.**
 DOCKET BEGINS 10/13/2014; WILL BE CALLED FOR PTC; MARK ALL
 EXHIBITS BEFORE APPEARANCE AT PTC; BRING ON CD/FLASH DRIVE
 OR THUMB DRIVE ONLY. THE CHARGE QUESTIONS AND DEFINITIONS
 FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 09/15/2014

MICHAEL J. STANLEY
7026 OLD KATY RD, SUITE 259
HOUSTON, TX 77024

19046600



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this February 11, 2015

Certified Document Number: 62372824 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

TRPOX

Cause No. 2013-31012

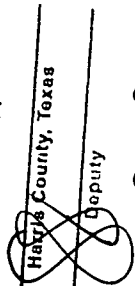
ELLA CHAN	§	IN THE DISTRICT COURT
	§	
VS	§	HARRIS COUNTY, TEXAS
	§	
PING SUN CHU	§	333RD JUDICIAL DISTRICT

ORDER RELATED TO TRIAL

THE FOLLOWING ORDER IS IN ADDITION TO THE REQUIREMENTS
STATED IN THE "TRIAL PREPARATION ORDER" PREPARED AND FILED
BY THE PARTIES

The Court makes the following Orders related to Trial. See attached
list for cases:

1. Prior to arriving for trial the parties **must**:
 - a. Mark all exhibits.
 - b. Exchange all exhibits with opposing counsel or parties pro se.
This may be accomplished by furnishing courtesy copies, or
making them available for inspection at an agreed upon place and
time no later than 10/06/14. The parties must notify each
other in writing of any objections they have to any and all exhibits
no later than 10/07/14
 - c. Review opposing Motions in Limine and discuss them in detail
with opposing counsel to determine which parts of the motion are
truly in dispute and why. Counsel **must** attempt to resolve all
such disputes by mutual agreement. Counsel **must** actually speak
to one another in person or by telephone to effectuate this no later
than 10/07/14.
 - d. All portions of the motions in limine that are not in dispute will be
granted by agreement.
 - e. All exhibits that have not been objected to in writing will be
admitted prior to trial.

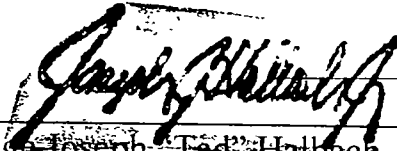
Time: SEP 16 2014
By:  Deputy
Harris County, Texas
Chris Daniel
District Clerk

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

EXHIBIT
5-g

- f. Designate and deliver written deposition excerpts to all opposing counsel no later than 10/06/14.
 - g. **WITHOUT FAIL Email Court Coordinator - vicki_garcia@justex.net and provide an accurate estimate of the total number of trial days from beginning of pre-trial to end of closing arguments by 10/07/14**
 - h. Prepare and deliver objections to deposition excerpts. Counsel must attempt to resolve all such objections by mutual agreement. Again, counsel must actually speak to one another in person or by telephone to effectuate this on or before 10/06/14.
2. It is further **ORDERED** that, no later than 10/07/14, the parties must file and exchange their respective proposed Jury Charges (or proposed Findings of Fact and Conclusions of Law in the case of a bench trial). In addition, by no later than 10/07/14, the parties must deliver to the Court Coordinator a true and correct copy of their proposed Jury Charges (or proposed Findings of Fact and Conclusions of Law) in Microsoft Word format. This may be accomplished via e-mail, compact disc, or flashdrive.
3. The failure to comply with the above may result in evidence being stricken or other appropriate sanctions.
4. At trial, during the pretrial conference, the order of business will ordinarily be as follows:
- a. The case will be called to trial.
 - b. The court will grant all portions of the motions in limine that are agreed to or not in dispute.
 - c. The court will rule on any disputed motions in limine.
 - d. The court will pre-admit all exhibits to which there are no objections.
 - e. The court will be provided with a brief preview of any objections to exhibits. Counsel should ordinarily provide the Court with courtesy copies of any disputed exhibit.
 - f. The Court will rule on objections to deposition excerpts.

SIGNED, this 16th day of September, 2014.



Judge Joseph "Tad" Halbach
Presiding Judge



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this February 11, 2015

Certified Document Number: 62358624 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Approved and Entry requested

BY /s/ Ronald C. Campana

RONALD C. CAMPANA

SBN 03692600

6363 Woodway, Suite 725

Houston, Texas 77057-1714

Tel (713) 783-4120

Fax (713) 783-8812

**ATTORNEYS FOR INTERVENORS:
ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN**

--AND--

ERIC WILLIAM CARTER

SBN 24057797

THE CARTER LAW FIRM

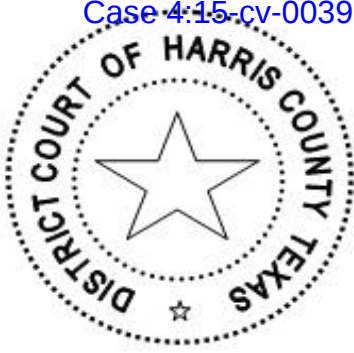
1811 Southmore Blvd

Houston, Texas 77004

Tel (713) 227-0042

Fax (713) 227-7001

**ATTORNEYS FOR INTERVENORS:
ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN
AND NORA BUMPUS**



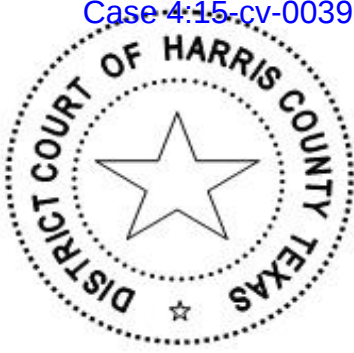
I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 62619310 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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333rd JUDICIAL DISTRICT



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this February 11, 2015

Certified Document Number: 62619308 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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IN THE DISTRICT COURT OF

PING SUN CHU, M.D.,
*Defendant/Counter-Plaintiff/
Third Party Plaintiff*

HARRIS COUNTY, TEXAS

**ELLA Y.T.C. CHAN, Individually,
ERIC K. CHAN, and DYNACQ
HEALTHCARE, INC.,
Third Party Defendants**

333RD JUDICIAL DISTRICT

On this day came to be heard Plaintiff's Motion for Court Ordered Expert Reports, Pursuant to Rule 195.5, and any supplements and responses thereto. The Court having considered the Motion and any Response thereto, the evidence, and arguments of counsel, is of the opinion that the Motion is meritorious and should be in all things GRANTED.

IT IS THEREFORE ORDERED that the Defendants expert witnesses, Mr C Clifford Wright, Jr and Mr Gary Abdalla are ~~hereby EXCLUDED~~ shall produce w

~~IT IS FURTHER ORDERED that Defendants evidence regarding their expert witnesses, Mr. C Clifford Wright, Jr and Mr Gary Abdalla is EXCLUDED and will not be admitted or considered at trial in this cause~~

SIGNED this _____ day of _____, ~~2014~~

OCT 03 2014

JUDGE/PRESIDING

Eric G. Carter vs Ella YTC Chan et al
Intervenor's Supplement to Motion for Court Ordered Expert Reports
Page 4

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

FILED

Chris Daniel
District Clerk

OCT 03 2014

Time: _____
By: _____
Harris County, Texas
Deputy

EXHIBIT
5-j

Approved and Entry requested

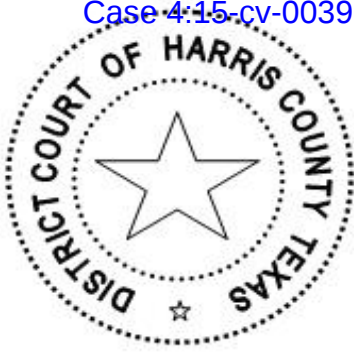
BY /s/ Ronald C. Campana

RONALD C. CAMPANA
SBN 03692600
6363 Woodway, Suite 725
Houston, Texas 77057-1714
Tel (713) 783-4120
Fax (713) 783-8812

ERIC WILLIAM CARTER
SBN 24057797
THE CARTER LAW FIRM
1811 Southmore Blvd
Houston, Texas 77004
Tel (713) 227-0042
Fax (713) 227-7001

ATTORNEYS FOR INTERVENORS:

**ERIC G. CARTER, INDIVIDUALLY AND
AS TRUSTEE OF THE ERIC G. CARTER
PENSION AND PROFIT SHARING PLAN**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 62619309 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

P3
4A

CAUSE NO. 2013-31012

ELLA Y.T.C. CHAN, Executrix of the
Estate of CHIU MOON CHAN,
Deceased,
Plaintiff/Counter-Defendant

vs.

PING SUN CHU, M.D.,
*Defendant/Counter-Plaintiff/
Third Party Plaintiff*

vs.

ELLA Y.T.C. CHAN, Individually,
ERIC K. CHAN, and DYNACQ
HEALTHCARE, INC.,
Third Party Defendants

IN THE DISTRICT COURT OF

HARRIS COUNTY, T E X A S

333rd JUDICIAL DISTRICT

ORDER TO ENTER NON-SUIT WITHOUT PREJUDICE

BE IT REMEMBERED that on this day came on to be heard the Joint Motion to Enter Non-Suit Without Prejudice filed by ELLA Y.T.C. CHAN, Executrix of the Estate of CHIU MOON CHAN, Deceased, ELLA Y.T.C. CHAN, Individually, ERIC K. CHAN, DYNACQ HEALTHCARE, INC., PING SUN CHU, M.D., KELLY LARKIN, M.D., JAMES G. GERACE, JOHN C. MEADORS, JOHN P. (PAUL) THOMPSON, BING LUN CHU, BING WOON CHU, KATHERINE KIM CHU, SARA KIM CHU, BICK FUN WONG, and TIN CHEE WONG, and the Court, having heard same, is of the opinion that the Non-Suit Without Prejudice shall be entered in the minutes of the Court. It is, therefore

ORDERED, ADJUDGED, and DECREED that the Clerk shall enter of record ELLA Y.T.C. CHAN, Executrix of the Estate of CHIU MOON CHAN, Deceased's, ELLA Y.T.C.

10/7/2014 3:04:08 PM
Chris Daniel - District Clerk
Harris County
Envelope No 2749008
By LYNCH, BERNADETTE T

EXHIBIT
5-k

2-1-15

CHAN, Individually's, ERIC K. CHAN's, and DYNACQ HEALTHCARE, INC.'s Non-Suit Without Prejudice as to the re-filing of same as to all of their causes of action against PING SUN CHU, M.D., KELLY LARKIN, M.D., JAMES G. GERACE, JOHN C. MEADORS, JOHN P. (PAUL) THOMPSON, BING LUN CHU, BING WOON CHU, KATHERINE KIM CHU, SARA KIM CHU, BICK FUN WONG, and TIN CHEE WONG . It is further

ORDERED, ADJUDGED, and DECREED that the Clerk shall enter of record PING SUN CHU, M.D.'s, KELLY LARKIN, M.D.'s, JAMES G. GERACE's, JOHN C. MEADORS', JOHN P. (PAUL) THOMPSON's, BING LUN CHU's, BING WOON CHU's, KATHERINE KIM CHU's, SARA KIM CHU's, BICK FUN WONG's, and TIN CHEE WONG 's Non-Suit Without Prejudice as to the re-filing of same as to all of their causes of action against ELLA Y.T.C. CHAN, Executrix of the Estate of CHIU MOON CHAN, Deceased, ELLA Y.T.C. CHAN, Individually, ERICK. CHAN, and DYNACQ HEALTHCARE, INC. It is further

ORDERED, ADJUDGED, and DECREED that all costs of Court shall be taxed against the party incurring same. All costs having been paid, let no execution issue thereon.

This is a final appealable order.


SIGNED this the _____ day of _____, 2014.

OCT 14 2014

Judge Presiding

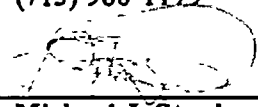
Approved as to Form and Substance and Entry Requested:

THOMAS J. LEIBOWITZ,
ATTORNEY AT LAW
One Sugar Creek Center Blvd., Suite 880
Sugar Land, Texas 77478
Tel: (281) 565-6363
Fax: (281) 565-6465
e-mail: tombear99@aol.com and
elmocarter@shccglobal.net

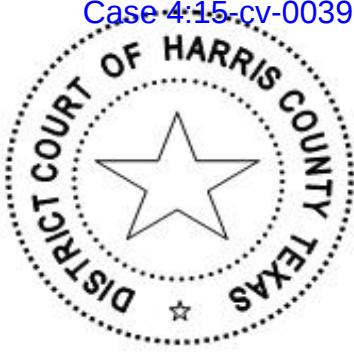
By: 
Thomas J. Leibowitz
State Bar No. 2179925
tombear99@aol.com and
elmocarter@shccglobal.net

*Counsel for Defendant/Counter-Plaintiff/Third Party Plaintiff,
PING SUN CHU, M.D. and Intervenors, KELLY LARKIN, M.D.,
JAMES G. GERACE, JOHN C. MEADORS, JOHN P. (PAUL)
THOMPSON, BING LUN CHU, BING WOON CHU,
KATHERINE KIM CHU, SARA KIM CHU, BICK FUN WONG,
and TIN CHEE WONG*

STANLEY FRANK & ROSE, LLP
7026 Old Katy Road, Suite 259
Houston, Texas 77056
Tel: (713) 980-4381
Fax: (713) 980-1179

By: 
Michael J. Stanley
State Bar No. 19046600
mstanley@stanleylaw.com
Brian Tagtmeier
State Bar No. 00785078
btagtmeier@stanleylaw.com
Leslie J. Searle
State Bar No. 24039167
lsearle@stanleylaw.com

*Counsel for Plaintiff/Counter-Defendant, ELLA Y.T.C. CHAN,
Executrix of the ESTATE OF CHIU MOON, CHAN, Deceased,
and Third Party Defendants, ELLA Y.T.C. CHAN, Individually,
ERIC K. CHAN, and DYNACQ HEALTHCARE, INC.*



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 62760279 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

5

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

*
*
*
*
*

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

==
==
==

ORDER RESETTING TRIAL

This case is reset for TRIAL for the two week period beginning 12-01-2014.
If the case has not been reached by the second Friday after this date, the trial will be
reset. All previous pre-trial deadlines remain in effect, unless changed by the court.

If you have any questions regarding this notice, please contact the court
coordinator, VICKI GARCIA at (713) 368-6484.

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 10/22/2014

THOMAS JOSEPH LEIBOWITZ
ONE SUGAR CREEK CENTER BLVD SUITE 880
SUGAR LAND, TX 77478

12179925

JCVF17
rev 12311999

EXHIBIT
5-I

CONFIRMED FILE DATE: 10/22/2014

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF

vs.

CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

333rd JUDICIAL DISTRICT

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 10/22/2014

BRIAN JAMES TAGTMEIER
9002 CHIMNEY ROCK
HOUSTON, TX 77096

785078

JCVF17
rev 12311999

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF

vs.

CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

333rd JUDICIAL DISTRICT

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 10/22/2014

MICHAEL J. STANLEY
7026 OLD KATY RD, SUITE 259
HOUSTON, TX 77024

19046600

JCVF17
rev 12311999

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF

vs.

CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

333rd JUDICIAL DISTRICT

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Signed

JOSEPH J. HALBACH JR

Judge, 333RD DISTRICT COURT

Generated on: 10/22/2014

RONALD C CAMPANA
6363 WOODWAY #725
HOUSTON, TX 77057

03692600

JCVF17
rev 12311999

Case No. 201331012

ORTX

CHAN, ELLA Y T C (EXECUTRIX OF

vs.

CHU, PING SUN (M D)

*
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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

333rd JUDICIAL DISTRICT

ORDER RESETTING TRIAL

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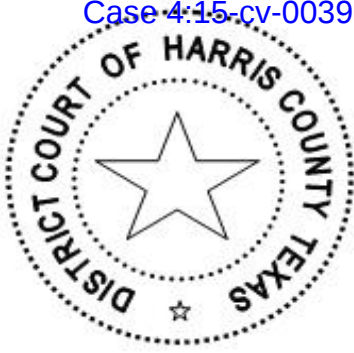
Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
Generated on: 10/22/2014

ERIC WILLIAM CARTER
1811 SOUTHMORE BLVD
HOUSTON, TX 77004

24057797

JCVF17
rev 12311999



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this February 11, 2015

Certified Document Number: 63115775 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

TRPOX

Cause No. 2013-31012

ELLA CHAN	§	IN THE DISTRICT COURT
	§	
VS	§	HARRIS COUNTY, TEXAS
	§	
PING SUN CHU	§	333RD JUDICIAL DISTRICT

ORDER RELATED TO TRIAL

THE FOLLOWING ORDER IS IN ADDITION TO THE REQUIREMENTS
STATED IN THE "TRIAL PREPARATION ORDER" PREPARED AND FILED
BY THE PARTIES

The Court makes the following Orders related to Trial. See attached
list for cases:

1. Prior to arriving for trial the parties **must**:

- a. Mark all exhibits.
- b. Exchange all exhibits with opposing counsel or parties pro se.
This may be accomplished by furnishing courtesy copies, or making them available for inspection at an agreed upon place and time no later than 11/24/14. The parties must notify each other in writing of any objections they have to any and all exhibits no later than 11/25/14
- c. Review opposing Motions in Limine and discuss them in detail with opposing counsel to determine which parts of the motion are truly in dispute and why. Counsel **must** attempt to resolve all such disputes by mutual agreement. Counsel **must** actually speak to one another in person or by telephone to effectuate this no later than 11/25/14.
- d. All portions of the motions in limine that are not in dispute will be granted by agreement.
- e. All exhibits that have not been objected to in writing will be admitted prior to trial.

FILEDChris Daniel
District Clerk

NOV 04 2014

Time:

By:

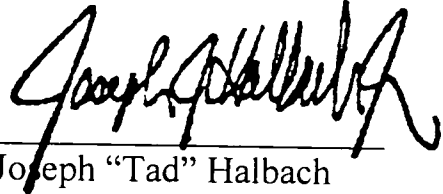
Harris County, Texas

Deputy

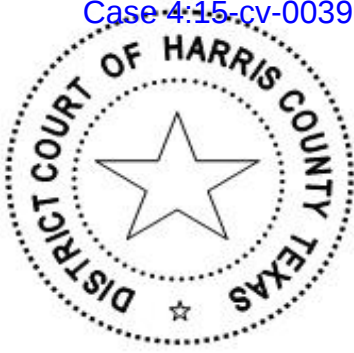
EXHIBIT 5-m

- f. Designate and deliver written deposition excerpts to all opposing counsel no later than 11/24/14.
 - g. **WITHOUT FAIL Email Court Coordinator - vicki_garcia@justex.net and provide an accurate estimate of the total number of trial days from beginning of pre-trial to end of closing arguments by 11/25/14**
 - h. Prepare and deliver objections to deposition excerpts. Counsel **must** attempt to resolve all such objections by mutual agreement. Again, counsel **must** actually speak to one another in person or by telephone to effectuate this on or before 11/24/14.
2. It is further **ORDERED** that, no later than 11/25/14, the parties **must** file and exchange their respective proposed Jury Charges (or proposed Findings of Fact and Conclusions of Law in the case of a bench trial). In addition, by no later than 11/25/14, the parties must deliver to the Court Coordinator a true and correct copy of their proposed Jury Charges (or proposed Findings of Fact and Conclusions of Law) in Microsoft Word format. This may be accomplished via e-mail, compact disc, or flashdrive.
3. The failure to comply with the above may result in evidence being stricken or other appropriate sanctions.
4. At trial, during the pretrial conference, the order of business will **ordinarily** be as follows:
- a. The case will be called to trial.
 - b. The court will grant all portions of the motions in limine that are agreed to or not in dispute.
 - c. The court will rule on any disputed motions in limine.
 - d. The court will pre-admit all exhibits to which there are no objections.
 - e. The court will be provided with a brief preview of any objections to exhibits. Counsel should ordinarily provide the Court with courtesy copies of any disputed exhibit.
 - f. The Court will rule on objections to deposition excerpts.

SIGNED, this 4TH day of November, 2014.

A handwritten signature in black ink, appearing to read "Joseph Halbach", written over a horizontal line.

Judge Joseph "Tad" Halbach
Presiding Judge



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this February 11, 2015

Certified Document Number: 63042454 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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P.5

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
VS.
CHU, PING SUN (M D)

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

- ☒ **Pursuant to Rule 166** of the Texas Rule of Civil Procedure, before the Pretrial Conference scheduled for this case, the items that are checked below **must be furnished to opposing counsel in advance** with enough time to allow review for objections, and **brought with you** to the Pretrial Conference.
- ☒ **Pursuant to Rule 166** of the Texas Rules of Civil Procedure, the items that are checked below must be **FILE W/ CLERK** by **11-24-2014**.
- ☒ **Pursuant to Rule 166** of the Texas Rules of Civil Procedure, the items that are checked must be completed and ready for discussion with the court at the Pretrial Conference.
- * * * * *
- ☒ **Party/Attorney List.** Names, addresses, and phone numbers of each pro se party and attorney.
- ☒ **Trial Witnesses List.** The name, address and telephone number of any person expected to testify at trial, and a brief statement of each identified person's connection with the case.
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- ☒ **Other.**
DOCKET BEGINS 12/01/14. WILL BE CALLED FOR PTC; MARK ALL
EXHIBITS BEFORE APPEARACE AT PTC; BRING ON CD/FLASH DRIVE
OR THUMB DRIVE ONLY. THE CHARGE QUESTIONS AND DEFINITIONS
FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 11/04/2014

THOMAS JOSEPH LEIBOWITZ
ONE SUGAR CREEK CENTER BLVD SUITE 880
SUGAR LAND, TX 77478

12179925

EXHIBIT
5-n

JCV001
rev 032802

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

- ☒ **Pursuant to Rule 166** of the Texas Rule of Civil Procedure, before the Pretrial Conference scheduled for this case, the items that are checked below **must be furnished to opposing counsel in advance** with enough time to allow review for objections, and **brought with you** to the Pretrial Conference.
- ☒ **Pursuant to Rule 166** of the Texas Rules of Civil Procedure, the items that are checked below must be **FILE W/ CLERK** by **11-24-2014**.
- ☒ **Pursuant to Rule 166** of the Texas Rules of Civil Procedure, the items that are checked must be completed and ready for discussion with the court at the Pretrial Conference.
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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 11/04/2014

BRIAN JAMES TAGTMEIER
9002 CHIMNEY ROCK
HOUSTON, TX 77096

785078

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 11/04/2014

MICHAEL J. STANLEY
7026 OLD KATY RD, SUITE 259
HOUSTON, TX 77024

19046600

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

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Signed

JOSEPH J. HALBACH JR
Judge, 333RD DISTRICT COURT
DATE GENERATED: 11/04/2014

RONALD C. CAMPANA
6363 WOODWAY #725
HOUSTON, TX 77057

03692600

TRPOX

Cause No. 201331012

CHAN, ELLA Y T C (EXECUTRIX OF
vs.
CHU, PING SUN (M D)

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IN THE DISTRICT COURT OF
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333rd JUDICIAL DISTRICT

TRIAL PREPARATION ORDER

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Judge, 333RD DISTRICT COURT
DATE GENERATED: 11/04/2014

ERIC WILLIAM CARTER
1811 SOUTHMORE BLVD
HOUSTON, TX 77004

24057797



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this February 11, 2015

Certified Document Number: 63052305 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com